

Notice of Allowability

Application No.

09/932,605

Examiner

Jyoti Nagpaul

Applicant(s)

ALAM, AFTAB

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an interview held on January 4, 2006.
2. ☒ The allowed claim(s) is/are 1-4,8-9,11-16,18 and 20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aftab Alam on January 4, 2006.

The application has been amended as follows:

Cancel claims 6-7 and 19

Claim 1, line 2, after "comprising:", insert – a base;—

Claim 1, line 3, after "open end", insert --,a main body—

Claim 1, line 5, after "liquid samples", insert --,said frame positionable within said base--

Claim 1, line 6, after "reservoir-rack", insert—positionable within said base, said reservoir-rack—

Claim 1, line 9, after "placed", insert – and wherein said reservoir-rack is movable and said base is provided with a means to position the reservoir-rack on said frame by at least two alternative ways producing two alternative footprints and point of contacts on the membrane below for each reservoir position on the reservoir-rack—

Claim 2, line 1, before "is", delete "reservoir" and insert –device—

Claim 2, line 2, before "a", delete "as an assembly of" and insert –with—

Claim 8, line 1, delete “positions” and insert –reservoirs—

Claim 8, line 4, delete “common in the field and industry, (i.e. multichannel pipetors)”

Claim 9, line 3, after “membrane”, insert –within the base—

Claim 12, line 2, after “has”, insert –an—

Claim 12, line 2, before “liquid”, delete “the”

Add new claim 20, insert –A device for application of liquid sample on a membrane, comprising: a base; a reservoir having an open end, a main body and an end opposite the open end having a capillary opening, wherein the open end is adapted to receive liquid samples; a frame for securing the membrane for application of the liquid samples, said frame positionable within said base; a reservoir-rack positionable within said base, said reservoir-rack for positioning said reservoir above the membrane surface such that the capillary opening of the reservoir touches and contacts the membrane, wherein said reservoir-rack has an asymmetrical pattern of positions into which the reservoir can be placed and wherein said reservoir-rack is movable and said base is provided with a means to position the reservoir-rack on said frame by at least four alternative ways producing four alternative footprints and point of contacts on the membrane below for each reservoir position on the reservoir-rack.—

The following is an examiner’s statement of reasons for allowance: Prior art fails to teach or fairly suggest a reservoir-rack that is positionable within a base wherein the base is provided with means to position the reservoir-rack on a frame by at least two

alternative ways producing two alternative footprints and point of contacts on a membrane for each reservoir position on the reservoir-rack. Prior art also fails to teach or fairly suggest a reservoir-rack that is positionable within a base wherein the base is provided with means to position the reservoir-rack on a frame by at least four alternative ways producing four alternative footprints and point of contacts on a membrane for each reservoir position on the reservoir-rack.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jyoti Nagpaul whose telephone number is 571-272-1273. The examiner can normally be reached on Monday thru Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JN


Jill Warden
Supervisory Patent Examiner
Technology Center 1700